

Zoning Case No. C14-2013-0031RC

Zoning Case No. C14-2013-0032RC

**RESTRICTIVE COVENANT**

OWNER: Dean Chen

ADDRESS: 209 Brandon Way, Austin, Texas 78733

OWNER: Glen R. Crouse

ADDRESS: 3903 Clawson Road, Austin, Texas 78704

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: 0.82 acre tract of land being a portion of Lot G Thirty-One of Banister Heights Subdivision, said 0.82 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant; and,

Lot30A, Resubdivision of Lots 29 & 30, Banister Heights Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 13, Page 91, of the Plat Records of Travis County, Texas.

WHEREAS, the Owners (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Prior to approval of a site plan on the Property, Owner shall dedicate to the City of Austin right-of-way along Clawson Road of a width as necessary to measure 35 feet from the existing centerline of Clawson Road. A building or structure may not be erected nor may improvements be made within the reserved right-of-way as determined by the Planning and Development Review Department, except as otherwise authorized by the City of Austin.

2. The Owner shall enter into and develop the Property under a Unified Development Agreement. Said agreement shall be filed with the Planning and Development Review Department at the time of site planning.
3. Development of the Property may not exceed an average of 9 residential units per acre.
4. Development of the Property may not exceed 16 residential units.
5. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
6. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
7. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
8. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**OWNER:**

\_\_\_\_\_  
Dean Chen

\_\_\_\_\_  
Glen R. Crouse

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS**                   §  
   §  
**COUNTY OF TRAVIS**                 §

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_,  
2013, by Dean Chen.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS**                   §  
   §  
**COUNTY OF TRAVIS**                 §

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_,  
2013, by Glen R. Crouse.

\_\_\_\_\_  
Notary Public, State of Texas

## PROPERTY DESCRIPTION

### FIELD NOTES

**0.8236 ACRE OF LAND, MORE OR LESS, BEING ALL OF THAT CERTAIN 0.83 ACRE OF LAND BEING A PORTION OF LOTG THIRTY-ONE (31) OF BANISTER HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 256, PLAT RECORDS, TRAVIS COUNTY, TEXAS AS CONVEYED TO GLEN R. ROUSE AS RECORDED IN VOLUME 10904, PAGE 588, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING** at a 1/2" Iron Rod found on the east R.O.W. of Glawson Road at the common N.W. corner of RESUBDIVISION OF LOTSW 29 & 30, BANISTER HEIGHTS, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 13, Page 91, Plat Records, Travis County, Texas and being the S.W. corner of that certain 0.83 acre of land conveyed to Glenn R. Crouse as recorded in Volume 10904, Page 588, Real Property Records, Travis County, Texas, from which a 1/2" Iron Rod found on the east R.O.W. of Glawson Road bears S30°45'00"W at a distance of 93.51 feet;

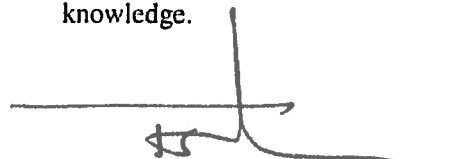
**THENCE** N30°45'08"E along the east R.O.W. of Glawson Road for a distance of 133.13 feet to a 1/2" Iron Rod found at the N.W. corner of Lot 31, BANISTER HEIGHTS, for the N.W. corner hereof;

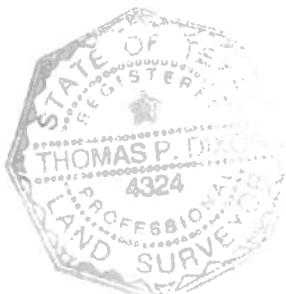
**THENCE** S60°38'00"E along the north line of Lot 31 for a distance of 248.26 feet to a 1/2" Iron Rod found for the N.E. corner hereof;

**THENCE** S19°29'23"W, crossing Lot 31 for a distance of 143.08 feet to a 1/2" iron rod found on the south line of Lot 31 for the S.E. corner hereof;

**THENCE** N59°00'02"W along the south line of Lot 31 for a distance of 276.13 feet to the **POINT OF BEGINNING**, containing 0.8236 acre of land.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.

  
Thomas P. Dixon R.P.L.S. 4324



P.O. Box 160176  
Austin, Texas 78716

J13537

### LEGEND

SCALE  
1" = 40'

TREE  36 TREE NO.

ROOT ZONE

WATER METER 

FIRE HYDRANT

OVERHEAD ELEC. —c—<sup>750</sup>e—c—

POWER POLE • PP

WOOD FENCE ---//-----//-----//

POINT OF BEGINNING P.O.B.

### TREE LIST

35 10" CEDAR  
36 11" 6" LUG  
37 8" SPANISH OAK  
38 10" HACKBERRY  
39 14" 7" HACKBERRY  
40 8" HACKBERRY  
41 12" CHINABERRY  
43 9" 6" HACKBERRY  
44 5" 4" 3" 2" LUG  
45 11" 4" LUG  
46 8" HACKBERRY  
47 10" HACKBERRY  
48 9" CHINABERRY  
49 11" CHINABERRY  
50 12" HACKBERRY  
51 8" CHINABERRY  
52 9" CHINABERRY  
53 11" LIVE OAK  
54 8" LIVE OAK  
55 10" LIVE OAK  
56 15" LIVE OAK  
57 8" HACKBERRY  
58 10" CHINABERRY  
59 12" HACKBERRY  
60 8" Burr Oak  
62 8" HACKBERRY  
63 11" HACKBERRY  
64 8" 6" 5" 4" 3" LUG  
65 8" HACKBERRY  
66 11" HACKBERRY

**NOTE:**

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND OTHER RIGHTS AND RESTRICTIONS MAY APPLY.

# CLAWSON ROAD

public asphalt road

**LEGAL DESCRIPTION:**

0.8236 ACRE OF LAND, MORE OR LESS, BEING ALL OF THAT CERTAIN 0.83 ACRE OF LAND BEING A PORTION OF LOT THIRTY-ONE (31); OF BANISTER HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 256, PLAT RECORDS, TRAVIS COUNTY, TEXAS AS CONVEYED TO GLEN R. ROUSE AS RECORDED IN VOLUME 10904, PAGE 588, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

State of Texas:  
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Condition II Survey.

And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48453-00585H

Zone: X Dated: 9/26/08

Dated this the 5TH day of MARCH, 201

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Thomas P. Dixon R.P.L.S. 4324

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**After Recording, Please Return to:**  
**City of Austin**  
**Law Department**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: J. Collins, Paralegal**